

EXHIBIT 12

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 01/24/07

DEPT. 311

HONORABLE Carl J. West

JUDGE

D. ELIAS

DEPUTY CLERK

HONORABLE
#1

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

S.ZUCKERMAN, C.A.

Deputy Sheriff

R. RODRIGUEZ

Reporter

1:30 pm

BC354664

Plaintiff

SMITH ELLISON BY:

Counsel

MICHAEL W. ELLISON ✓

FIRST STATE INSURANCE COMPANY E
AL

Defendant

VS

Counsel

COVINGTON & BURLING BY:

VULCAN MATERIALS COMPANY ET AL

DONALD W. BROWN ✓

FOR VULCAN MATERIALS

NATURE OF PROCEEDINGS:

APPEARANCES (CONTINUED):

DENNIS ZARAGOZA, FOR UNIGARD INDEMNITY

MARK F. GAMBOA, FOR CONTINENTAL ENTITIES

JEFFREY N. LABOVITCH, FOR EMPLOYERS REINSURANCE

MICHAEL H. WEISS, FOR STONEWALL INS.

AUGUST L. LOHUARU, FOR UNITED NATIONAL INS. CO.

LAN P. VU, FOR PACIFIC INDEMNITY INS.

YVETTE D. ROLAND, FOR LONDON MARKET INSURERS

JOETTE M. GONZALEZ, FOR FIREMAN'S FUND

MICHAEL S. LITTLE, FOR ZURICH INTERNATIONAL

LAWRENCE A. TABB, FOR AMERICAN REINSURANCE

BATH A. KAHN, FOR RANGER INS. CO.

JOHN C. CONWAY, FOR ACE, ET.AL.

MICHAEL J. LEAHY, FOR NORTH STAR REINSURANCE

JEFFREY C. BURT, FOR ALTANTA INT'L INS.

KATHERINE E. MAST, FOR AFFILIATED FM

CHARLES R. DIAZ, FOR ALLIANZ

TELEPHONIC APPEARANCES: KYLE W. WHITMAN, RAY L. WONG,

KEVIN J. PRICE, JANE KARREN BAKER

INITIAL STATUS CONFERENCE

Status conference is held.

The Court will issue an electronic service order
designating Lexis Nexis File and Serve as the
e-service provider.

Operative complaints in all related cases are to be
posted within 10 days of activation of the website.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

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BC354664

Plaintiff

SMITH ELLISON BY:

Counsel

MICHAEL W. ELLISON ✓

FIRST STATE INSURANCE COMPANY E

AL

Defendant

VS

Counsel

COVINGTON & BURLING BY:

VULCAN MATERIALS COMPANY ET AL

DONALD W. BROWN ✓

FOR VULCAN MATERIALS

NATURE OF PROCEEDINGS:

The Court finds that the above entitled case is related to case BC328022 within the meaning of Los Angeles Superior Court Local Rule 7.3(f). BC328022 (Transport Insurance v. Vulcan) is ordered transferred to this department forthwith. A separate order regarding related cases is issued in case BC328022.

The lead caption on all future pleadings shall be "Vulcan Materials Consolidated Coverage Litigation, Lead Case No. BC328022." Please refer to the e-service order for the proper caption and case number.

Counsel for Vulcan and Transport are to meet and confer concerning the sufficiency of Vulcan's responses to Transport's interrogatories. A Joint Discovery Statement identifying any disputed issues regarding the responses is to be filed by February 23, 2007. The original plus one (1) courtesy copy of the statement is to be filed directly in Department 311.

Vulcan and Unigard are to meet and confer and provide the Court with a joint statement addressing any disputes as to the form and scope of the interrogatories by February 23, 2007. The original plus one (1) courtesy copy of the statement is to be filed directly in Department 311.

Additional discovery shall remain stayed pending further Order of the Court.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

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Deputy Sheriff

R. RODRIGUEZ

Reporter

1:30 pm

BC354664

Plaintiff

SMITH ELLISON BY:

Counsel

MICHAEL W. ELLISON ✓

FIRST STATE INSURANCE COMPANY E
AL

Defendant

VS

Counsel

COVINGTON & BURLING BY:

VULCAN MATERIALS COMPANY ET AL

DONALD W. BROWN ✓

FOR VULCAN MATERIALS

NATURE OF PROCEEDINGS:

The parties are to meet and confer regarding the preparation of policy charts and policy stipulations and provide the Court with a proposal in the next status conference statement.

Vulcan's Motion to Stay is to be filed by February 9, 2007. The original plus two (2) courtesy copies of the motion are to be filed directly in Department 311. Motion shall be filed "Date: To Be Determined" and the Court will address further briefing and hearing at the next status conference.

Further Status Conferences in the above entitled case and related lead case BC328022 are set for February 26, 2007, at 1:30 p.m., in Department CCW-311.

Joint Status Conference Statement is due February 22, 2007. The original plus one (1) courtesy copy of the statement is to be filed directly in Department 311.

Statement shall set forth a more detailed assessment of issues related to exhaustion/impairment, the states involved in choice of law issues - and the key legal issues that will be effected by choice of law determinations, and the extent to which determinations concerning coverage for punitive damages will be dependent on choice of law determinations.

A copy of this minute order is served electronically on all counsel listed in the service list.

DATE: 01/24/07

DEPT. 311

HONORABLE Carl J. West

JUDGE

D. ELIAS

DEPUTY CLERK

HONORABLE
#5

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

S. ZUCKERMAN, C.A.

Deputy Sheriff

NONE

Reporter

1:30 pm

BC328022

Plaintiff

DUANE MORRIS BY:

Counsel

RAY L. WONG ✓

TRANSPORT INSURANCE COMPANY

VS

Defendant

COVINGTON & BURLING BY:

VULCAN MATERIALS COMPANY

Counsel

DONALD W. BROWN ✓

NATURE OF PROCEEDINGS:

COURT'S ORDER RE: RELATED CASES

The Court finds that the following cases BC328022 and BC354664 (First State Ins. Co. v. Vulcan Materials) are related cases within the meaning of Los Angeles Superior Court Local Rule 7.3(f). For good cause shown, said cases are assigned to Judge J. West, Department CCW-311 for all purposes. BC328022 is the lead case.

All hearings in Department 16 are ordered advanced to this date and vacated.

The above entitled case is deemed complex pursuant to California Rules of Court, rule 3.400.

This order is made during a Status Conference in related case BC354664.

A copy of this minute order is served electronically on all counsel.